



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,047	08/28/2001	Umair A. Khan	NVIDP371/P002178	7341
28875	7590	10/15/2008		
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER MURDOUGH, JOSHUA A	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 10/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/942,047

**Applicant(s)**

KHAN ET AL.

**Examiner**

JOSHUA MURDOUGH

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-6, 8-16, 18-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-16, 18-42 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 September 2008 has been entered.

### ***Acknowledgements***

2. The Examiner for this application has changed. Please note that Joshua Murdough is the Examiner of record in any future correspondence.
3. Claims 1, 3-6, 8-16, 18-42 and 44 are pending and have been examined.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-6, 8-16, 18-42, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Each of the independent claims recites the completion of a transaction based on a transaction pattern. Wherein "the transaction pattern includes a record of: information submitted by a user, user actions taken by the user, system actions taken by a system in response to the

information and the user actions in order to generate results, and the results that are sent to the user” (Claim 1, with similar limitations in the other independent claims). One of ordinary skill in the art would not understand how this historical data can be possessed prior to the completion of the transaction. It is likely that Applicants’ intent was to show that the transaction pattern includes a record of: information to be submitted by a user, user actions to be taken by the user, system actions to be taken by a system in response to the information and the user actions to be taken in order to generate results, and the results that are to be sent to the user. It is also likely that Applicants were referring to the playback of the transaction, not the initial completion of the transaction based on the transaction pattern. The Examiner has interpreted the latter to be the case when applying the prior art.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-6, 8-16, 18-42 and 44 rejected under 35 U.S.C. 102(e) as being anticipated by Howard (US 6,278,966).

9. As to claims 1, 16, 31, and 33 Howard shows:

- a. A method for carrying out a computer-implemented transaction, comprising:
  - b. storing in memory a transaction pattern reflecting a transaction (plurality stored as historical data 122); and
  - c. executing the transaction pattern to carry out the transaction (executed as a script, C 9, LL 22-23);
  - d. wherein the transaction pattern includes a record of: information submitted by a user ("clicking on clickable resources," C 6, L 58), user actions taken by the user ("what they do," C 6, LL 61-63), system actions taken by a system in response to the information ("which pages are accessed," C 6, L 66) and the user actions in order to generate results (how they got to the results, "previous URL," C 7, L 5), and the results that are sent to the user (files downloaded, C 6, L 67);
  - e. wherein the storage of the transaction pattern includes storage of records of a navigation of the user during the transaction ("which pages are accessed," C 6, L 66);
  - f. wherein the transaction pattern further includes information submitted by the user, in each form and in each step of a login (login script, C 9, LL 24-25) and account access process (C 9, LL 22-23).
10. As to claims 3, 18, and 34, Howard further shows:
- the transaction pattern further includes a record of the actions taken by the system which enable access of the user to data (providing the web pages, C 6, L 66), and actions enabled by the data to retrieve content (login enables access, C 9, LL 24-25 & files downloaded, C 6, L 67).

11. As to claims 4 and 19, Howard further shows:

the storage of the transaction pattern includes the storage of records relating to an interface presented to the user (the webpage and the browser provide the interface; C 6, L 66 & C 7, LL 1-2).

12. As to claims 5 and 20, Howard further shows:

the storage of the transaction pattern includes the storage of records relating to the submission of information by the user (account information is needed to login, C 9, LL 24-25).

13. As to claims 6 and 21, Howard further shows:

the storage of the transaction pattern includes the storage of parameters required to complete the transaction (account identifier, C 9, LL 22-23).

14. As to claims 8, 23, and 35, Howard further shows:

the storage of the transaction pattern includes the storage of information returned to the user by the system (account balance, C 9, L 14).

15. As to claims 9, 24, and 36, Howard further shows:

the storage of the transaction pattern includes the storage of information selected by the user ("what they do," C 6, LL 61-63).

16. As to claims 10, 25, and 37, Howard further shows:

the execution of the transaction pattern includes retrieval of the transaction pattern by at least one of an automated agent (online emulator **124**) and a programmable agent (Offline Emulator, **206**; programmed in part by flow constraints, **204**).

17. As to claims 11 and 26, Howard further shows:

the execution of the transaction pattern includes submission of required parameters during the transaction (account information, C 9, LL 22-23).

18. As to claims 12, 27, and 38, Howard further shows:

the execution of the transaction pattern involves automatic navigation during the transaction ("click-by-click," C 8, L67).

19. As to claims 13 and 28, Howard further shows:

the execution of the transaction pattern includes retrieval of content (files downloaded, C 6, L 67).

20. As to claims 14, 29, and 39, Howard further shows:

the execution of the transaction pattern includes relaying content to the user (files downloaded, C 6, L 67).

21. As to claims 15, 30, and 39, Howard further shows:

the execution of the transaction pattern includes recognizing a state of a remote application (“program status results” C 5, LL 66-67).

22. As to claim 22, Howard further shows:

the storage of the transaction pattern includes the storage of records relating to the navigation of the user during the transaction (“which pages are accessed,” C 6, L 66).

23. As to claim 32, Howard further shows:

the remote application is an electronic commerce application (financial services are part of electronic commerce, C 9, L 13).

24. As to claim 41, Howard shows:

- g. A method for carrying out a computer-implemented electronic commerce (e-commerce) transaction, comprising:
  - h. storing in memory a transaction pattern reflecting a transaction (plurality stored as historical data **122**), wherein the transaction pattern includes:
    - i. creation and actions associated with forms presented in a web-interface with which a user submits information (C 6, LL 32-36);
    - j. information submitted by the user, in forms presented in an e-commerce flow (“clicking on clickable resources,” C 6, L 58 & C 6, LL 32-36);
    - k. an internal process whereby the submitted information is sent to servers and databases (C 6, LL 32-36) of an e-commerce site (Financial services web site, C 9, L 13);



- l. navigation of the user within the e-commerce process ("which pages are accessed," C 6, L 66);
  - m. system actions taken by a system in response to the information ("which pages are accessed," C 6, L 66) and the creation and actions in order to generate results (how they got to the results, "previous URL," C 7, L 5); and
  - n. the results returned by the e-commerce site once the submitted information has been processed (files downloaded, C 6, L 67); and
  - o. executing the transaction pattern to carry out the transaction(executed as a script, C 9, LL 22-23);
  - p. wherein the transaction pattern further includes information submitted by the user, in each form and in each step of a login (login script, C 9, LL 24-25) and account access process (C 9, LL 22-23).
25. As to claim 42, Howard shows:
- q. A method for carrying out a computer-implemented transaction, comprising:
  - r. recording information submitted by a user as part of a transaction ("clicking on clickable resources," C 6, L 58);
  - s. recording user actions taken by the user as part of the transaction ("what they do," C 6, LL 61-63);
  - t. recording system actions taken by a system in response to the information ("which pages are accessed," C 6, L 66) and the user actions in order to generate results as part of the transaction (how they got to the results, "previous URL," C 7, L 5);

- u. recording the results that are sent to the user as part of the transaction(files downloaded, C 6, L 67);
- v. recording actions taken by the system which enable the user to access data (providing the web pages, C 6, L 66);
- w. recording actions enabled by the data to retrieve content (login enables access, C 9, LL 24-25 & files downloaded, C 6, L 67);
- x. generating a transaction pattern based on the recorded information (CC 6-7, LL 60-7);
- y. storing the transaction pattern in memory (plurality stored as historical data **122**), including:
- z. storing records relating to an interface presented to the user (the webpage and the browser provide the interface; C 6, L 66 & C 7, LL 1-2);
- aa. storing records relating to the submission of information by the user (account information is needed to login, C 9, LL 24-25);
- bb. storing parameters required to complete the transaction (account identifier, C 9, LL 22-23);
- cc. storing records of a navigation of the user during the transaction (“which pages are accessed,” C 6, L 66 & “clicking on clickable resources,” C 6, L 58);
- dd. storing records relating to the navigation of the user during the transaction (“which pages are accessed,” C 6, L 66);
- ee. storing information returned to the user by the system (account balance, C 9, L 14);

- ff. storing information selected by the user ("what they do," C 6, LL 61-63);
  - gg. executing the transaction pattern to automatically carry out the transaction (login script, C 9, LL 24-25) upon receiving the user request for the transaction (resulting from a request to login, C 9, LL 23-24), including:
    - retrieving the transaction pattern using at least one of an automated agent (online emulator **124**) and a programmable agent (Offline Emulator, **206**; programmed in part by flow constraints, **204**);
  - hh. recognizing a state of a remote application (program status results" C 5, LL 66-67);
  - ii. submitting required parameters during the transaction (account information, C 9, LL 22-23);
  - jj. performing automatic navigation during the transaction ("click-by-click," C 8, L 67); retrieving content (files downloaded, C 6, L 67); and
  - kk. relaying content to the user (files downloaded, to the user, C 6, L 67);
- wherein the transaction pattern further includes information submitted by the user, in each form and in each step of a login (login script, C 9, LL 24-25) and account access process (C 9, LL 22-23).

26. As to claim 44, Howard further shows:

the transaction pattern further includes an internal process (emulating, Figure 5A), whereby submitted information is sent to servers and databases (C 6, LL 32-36) of a portfolio account site of the user (Financial services web site, C 9, L 13).

***Response to Arguments***

27. Applicant's arguments with respect to claims 1, 3-6, 8-16, 18-42 and 44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. M.  
Examiner, Art Unit 3621

/Calvin L Hewitt II/  
Supervisory Patent Examiner, Art Unit 3685